

HOUSE BILL 9013

By Ogles

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 37; Title 39; Title 49; Title 56; Title 63; Title 68 and Title 71, relative to addressing authorization to administer a COVID-19 vaccine to a minor without parental consent.

WHEREAS, the decision to provide a vaccination to a minor without parental consent may negatively impact a healthcare provider's relationship with the family; and

WHEREAS, the United States Supreme Court, the Tennessee Supreme Court, and the Tennessee General Assembly recognize a parent's constitutional rights to the care, custody, and control of the parent's children; and

WHEREAS, parents have a fundamental right to direct the upbringing, education, and care of their children; and

WHEREAS, parents are assumed to be the best caretakers for their children unless proven unfit; and

WHEREAS, the role of parents in the raising and rearing of their children is of immeasurable value and deserving of protection by all levels of government; and

WHEREAS, governments should not interfere in the decisions and actions of parents without compelling justification; and

WHEREAS, parental choice shall prevail in healthcare decisions for children; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-165. Restrictions and limitations on treating minors without parental consent.

(a) As used in this section:

(1) "Healthcare practitioner" means a person licensed under this title;

(2) "Legal guardian" means an individual or entity that has the legal authority to provide for the care, supervision, or control of a minor as established by law or court order;

(3) "Medical treatment" means an immunization, vaccination, or injection for the SARS-CoV-2 virus or a variant of the SARS-CoV-2 virus; and

(4) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who has been emancipated pursuant to title 29, chapter 31.

(b) On and after the effective date of this act, a healthcare practitioner shall not provide a patient who is a minor with medical treatment without first obtaining written consent from a legal guardian of the minor.

(c) A violation of this section by a healthcare practitioner constitutes unprofessional conduct and the healthcare practitioner's license is subject to disciplinary action by the healthcare practitioner's licensing authority in accordance with the procedures provided under this title and rules promulgated by the licensing authority.

(d)

(1) Beginning with the calendar quarter that begins on July 1, 2022, and each calendar quarter thereafter, a licensing authority with authority over

healthcare practitioners affected by this section shall provide the following quarterly information to the commissioner of health:

(A) The number of healthcare practitioners licensed by the licensing authority that have violated this section; and

(B) The actions taken by the licensing authority against healthcare practitioners that have violated this section.

(2) The commissioner of health shall include the information gathered pursuant to subdivision (d)(1) in the commissioner's annual report to the general assembly.

SECTION 2. The licensing authorities for healthcare practitioners affected by SECTION 1 shall promulgate emergency rules within seventy-five (75) days of the effective date of this act to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.